

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 12981 of 2006

03-07-2006

Between:-

Kantamani Rama Rao and five others.

Petitioners

And

The Superintending Engineer, Operation,
A.P.E.P.D.C.Limited, Eluru, West Godavari district and
another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 12981 of 2006

Oral order:

This writ petition is filed, in substance, aggrieved by the inaction of the respondents in transferring the electricity service connections in the individual names of certain of the petitioners on the basis of the representation/explanation submitted by the 1st petitioner and seeking a direction to the respondents to transfer the electricity service connection as requested.

The 1st petitioner had eight (8) electricity service connections obtained in his name for the purpose of agricultural operations. According to the petitioners, the lands were partitioned between them – members of the

joint family -- separate possession and enjoyment of the lands is certified by registrations and individual Pattadar Passbooks were also issued. As a consequence of the partition, the 1st petitioner claims to have retained two electricity service connections, while the other petitioners were allotted/transferred the other service connections.

While so, the 1st respondent issued a notice informing the 1st petitioner that he is not entitled to the benefits under the scheme of 'free supply of electricity', as *inter alia* he is in possession of more than three service connections. In response to this notice, which had also called for objections from the 1st petitioner, the 1st petitioner submitted his explanation dated 17-03-2005. He stated that the electricity service connections, which were initially in his name, were transferred in the name of his sons and grandsons on partition of the lands and that the Pattedar Pass books were also issued in the individual names in accordance with the partition and that the 1st petitioner holds only two electricity service connections and therefore the objections do not hold water and the petitioners are entitled for 'free supply' of electricity. Along with the representation/explanation dated 17-03-2005, the 1st petitioner also enclosed a report of the Panchayat Secretary, Grama Panchayat, Chodavaram West supporting the petitioners' claim for change of the service

connections.

Despite the representation/explanation made as early as on 17-03-2005, the respondents are continuing to bill petitioners for supply of electrical energy and have not accorded them the benefit of the scheme for 'free supply' of electrical energy, is the substantive complaint in the writ petition.

It is doubtful whether the mere factum of transfer of lands even between members of joint family and on account of the partition would automatically amount to the transfer of electricity service connections to the individual names. If the legal environment or the legal instruments such as the relevant legislation or the terms and conditions of supply require a prior permission of the transmission company for effecting transfer of electricity supply connections, then a transfer of electrical supply is effected only on an application being made and the transfer of the electricity connection in another's name approved by the transmission company.

In the case on hand, it would appear that when the 1st petitioner was informed that he is not entitled to free supply of electrical energy, in his representation/explanation dated 17-03-2005, he

has stated that the lands already stood transferred in the individual names along with electricity service connections. In any event, the 1st respondent is required to take a decision on the petitioners' representation/explanation dated 17-03-2005 and pass an expeditious order either approving the transfer of electricity supply connection or rejected the same and such a decision is required to be communicated expeditiously.

In the aforesaid circumstances, the writ petition is disposed of directing the 1st respondent to expeditiously and in any event within a period of two weeks from the date of receipt of a copy of this order, take a decision on the 1st petitioner's representation/explanation dated 17-03-2005, record the reasons for the decision and communicate the same to the 1st petitioner within the aforesaid time.

Change/transfer of the electrical service connections cannot be assumed without a formal decision by the competent authority in this behalf. Therefore, the liability of the 1st petitioner to pay the current electricity consumption charges is inescapable. All the service connections stood in the name of the 1st petitioner; and persons having more than three service connections are

not entitled to the benefit of 'free electricity supply'.

In the circumstances, till the decision is taken by the 1st respondent, as directed and within the time stipulated above by this court, the 1st petitioner shall be liable to pay the current electricity consumption charges as billed, unless there is any dispute as to the quantum of billing in which later event the 1st petitioner is at liberty to pursue appropriate remedies against a dispute as to the quantum of billing. The liability to pay the current electricity consumption charges, for the present is however indisputable. Accordingly the writ petition is disposed of. No costs.

GODA RAGHURAM, J

Dated:03-07-2006

Pvks/*

Nb: Furnish c.c. in three days.

B/o pvks/*